

Message Text

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46

ACTION EA-10

INFO OCT-01 ISO-00 SCS-03 SCA-01 L-02 H-02 SY-05 SS-15

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R 020819Z APR 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 1841

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E.O. 11652: N/A

TAGS: CASC RP (LEHMAN, AUGUST MCCORMICK JR.)

SUBJECT: W/W AUGUST MCCORMICK LEHMAN, JR.

REF: MANILA 3242 AND PREVIOUS.

SUMMARY: GOP PLANS TO CONVENE HEARING TO DETERMINE WHETHER GOOD CAUSE EXISTS TO CHARGE ALLEGED ASSASSINATION PLOTTERS HAVE LED EMB TO REQUEST POSTPONEMENT FOR LEHMAN'S PART IN HEARING UNTIL HE ENGAGES LAWYER.

1. EMBOFF VISITED LEHMAN AT CAMP BONIFACIO APR 2 TO DELIVER PACKAGE FROM PARENTS AND TO MAKE SURE, AT REQUEST OF EX-SENATOR DIOKNO, THAT DIOKNO'S INVOLVEMENT IN LEGAL DEFENSE OF LOPEZ JR. AND OSMENA III DID NOT GIVE LEHMAN CONFLICT-OF-INTEREST QUALMS. NO SUCH QUALMS EXIST AND LEHMAN IS ANXIOUS TO MEET WITH DIOKNO, ESPECIALLY SINCE HE HAS BEEN SUMMONED TO APPEAR APR 3 BEFORE SO-CALLED JOINT REINVESTIGATION PANEL CONVENED BY GOP DEPTS OF JUSTICE AND NATL DEFENSE BY ORDER OF MARCOS TO EXAMINE WHETHER GOOD LEGAL GROUNDS EXIST TO CHARGE ALLEGED ASSASSINATION PLOTTERS.

2. CONTRARY TO WHAT WE REPORTED IN REFTTEL, DIOKNO HAS NOT YET ACTUALLY BEEN RETAINED BY LEHMAN SINCE THEY HAVE NOT YET MET. EACH HAS NOW TOLD US SEPARATELY, HOWEVER, THAT THEY WILLING ASSUME LAWYER-CLIENT RELATIONSHIP. BECAUSE IMMINENCE OF APR 3 HEARING OF JOINT REINVESTIGATION

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PANEL LEAVES INSUFFICIENT TIME FOR LEHMAN AND DIOKNO TO

CONFER, EMBOFF ADVISED LEHMAN REMAIN MUTE AT HEARING EXCEPT TO POINT OUT HIS ABSENCE OF COUNSEL.

3. BY DIPLOMATIC NOTE OF APR 2, EMBASSY INFORMED DFA IT HAD ONLY JUST BECOME AWARE OF LEHMAN'S HAVING BEEN SUMMONED AND HAD COUNSELED HIM TO REMAIN MUTE SINCE UNREPRESENTED BY COUNSEL. NOTE REQUESTED THAT, IF POSTPONEMENT OF HEARING NOT POSSIBLE, LEHMAN'S PART IN HEARING BE POSTPONED AT LEAST UNTIL HE COULD ENGAGE DIOKNO, HIS LAWYER OF CHOICE. EARLY ARRANGING OF MEETING BETWEEN LEHMAN AND DIOKNO WAS URGED.

4. IN ADDITION TO PLANNED DELIVERY OF NOTE TO DFA ON AFTERNOON APR 2, EMBASSY LEGAL ADVISER PLANS DELIVER CARBON COPY TO UNDERSECRETARY OF JUSTICE DEPT WHO IS ALSO MEMBER OF JOINT REINVESTIGATION PANEL.
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